

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10102

JEFFERSON JONES

v.

MARY M. WALKER,
in her individual capacity

PRETRIAL ORDER
September 21, 2006

ZOBEL, D.J.

This matter having come before the Court at a pretrial conference held pursuant to Rule 16, Fed.R.Civ.P., 28 U.S.C., and Michael L. Altman, Esq., having appeared as counsel for plaintiff, and Andrew J. Gambaccini, Esq., and Leonard H. Kesten, Esq., having appeared as counsel for defendant, the following action was taken:

1. TRIAL

Trial is scheduled to commence on September 25, 2006, at 9:00 a.m. and is estimated to last 2-3 days.

2. JURY

The court will impanel eight jurors. Counsel shall file any proposed questions to the jury on voir dire by September 20, 2006. Each side will have four peremptory challenges.

3. ISSUES

The parties agree that the only issues to be tried are:

- (a) Whether defendant had probable cause to take plaintiff into protective custody;
- (b) Whether defendant's actions caused plaintiff's injury, specifically carpal tunnel;
- (c) The amount of damages. Plaintiff claims for loss of earnings, diminution of his earning capacity, pain and suffering and punitive damages.

4. EXHIBITS

Counsel agree that the exhibits listed in Attachment A may be admitted into evidence without objection. Objected to exhibits shall be marked for identification and listed separately.

5. WITNESSES

The only witnesses who will testify at trial are:

FOR PLAINTIFF

1. Jefferson Jones
75 Hanson Place, Apt. 2A
Brooklyn, NY 11272
718-237-1729
2. Pamela Jones
75 Hanson Place, Apt. 2A
Brooklyn, NY 11272
718-237-1729
3. Wekesa King' Asia, M.D., presented by deposition (via video tape)
175 Remsen Street, Suite 525
Brooklyn, NY 11201
718-222-2600
4. Rabb Thomas
325 Lincoln Avenue
Brooklyn, NY 11208
718-647-1911

FOR DEFENDANT

1. Officer Mary Walker
2. Officer George Dionne
3. Officer John Walcek
4. Robert Braum
5. Rollin Buckminster
6. Michael Perola
7. Detective Preston Urquhart
8. Richard A. Parker, M.D.

6. REQUESTS

On the first day of trial, counsel shall file:

- (a) Requests for instructions; and
- (b) Proposed questions to the jury on special verdict.

September 21, 2006
DATE

Richard Zobel
UNITED STATES DISTRICT JUDGE

ATTACHMENT A

A) Plaintiff

- 1) Photographs taken by Pamela Jones of Plaintiff's wrists on June 28, 2003;
- 2) Exhibits from Dr. Wekesa King'Asia's Deposition, March 2, 2006
 - i. King'Asia Exhibit 2 – Bates Stamped Jones 00020;
 - ii. King'Asia Exhibit 3 – Bates Stamped Jones 00024;
 - iii. King'Asia Exhibit 4 – Bates Stamped Jones 00031;
 - iv. King'Asia Exhibit 5 – Bates Stamped Jones 00032
 - v. King'Asia Exhibit 6 – Bates Stamped Jones 00005-00011B
 - vi. King'Asia Exhibit 7 – Bates Stamped Jones 00039
 - vii. King'Asia Exhibit 8 – Bates Stamped Jones 00012
 - viii. King'Asia Exhibit 9 – Bates Stamped Jones 00013
 - ix. King'Asia Exhibit 10 – Bates Stamped Jones 00014
 - x. King'Asia Exhibit 11 – Bates Stamped Jones 00014B, 00066
 - xi. King'Asia Exhibit 12 – Bates Stamped Jones 00015
 - xii. King'Asia Exhibit 13 – Bates Stamped Jones 00062
 - xiii. King'Asia Exhibit 14 – Bates Stamped Jones 00016
 - xiv. King'Asia Exhibit 15 – Bates Stamped Jones 00067
 - xv. King'Asia Exhibit 16 – Bates Stamped Jones 00068
 - xvi. King'Asia Exhibit 17 – Bates Stamped Jones 00018
 - xvii. King'Asia Exhibit 18 – Bates Stamped Jones 00017
 - xviii. King'Asia Exhibit 19 – Bates Stamped Jones 00019
 - xix. King'Asia Exhibit 20 – Jones's Medical Record dated 4/11/05, 9/29/05, 12/28/05, 1/18/06
 - xx. Expert Report of Dr. Wekesa King'Asia
- 3) Wareham Protective Custody Report dated 6/28/03 @1611 – Bates Stamped Walker 00001-00002
- 4) Dispatch Report – Bates Stamped Walker 00003
- 5) Application for Criminal Complaint 00007-00011
- 6) Wareham Police Protective Custody Procedures – Bates Stamped Walker 00016-00019
- 7) Wareham Police Manual Expert – Bates Stamped Walker 00022-00040

B) Defendant

1. Medical record of Jefferson Jones from Professional Radiology Services, P.C. dated January 26, 2004 re: sonogram of the left and right wrists performed on January 23, 2004.